

FEB 2 1 2005
EDUCATION

HOUSE FILE 368
BY McCARTHY, J.R. VAN FOSSEN,
HUTTER, and PETTENGILL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to public safety provisions involving the health
2 of children.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 368

1 Section 1. Section 256B.8, unnumbered paragraph 3, Code
2 2005, is amended by striking the unnumbered paragraph.

3 Sec. 2. Section 726.6, subsection 1, paragraph d, Code
4 2005, is amended to read as follows:

5 d. Willfully deprives a child or minor of necessary food,
6 clothing, shelter, health care or supervision appropriate to
7 the child or minor's age, when the person is reasonably able
8 to make the necessary provisions and which deprivation
9 substantially harms the child or minor's physical, mental, or
10 emotional health. ~~For purposes of this paragraph, the failure
11 to provide specific medical treatment shall not for that
12 reason alone be considered willful deprivation of health care
13 if the person can show that such treatment would conflict with
14 the tenets and practice of a recognized religious denomination
15 of which the person is an adherent or member. This exception
16 does not in any manner restrict the right of an interested
17 party to petition the court on behalf of the best interest of
18 the child or minor.~~

19 Sec. 3. Section 255.10, Code 2005, is repealed.

20 EXPLANATION

21 This bill relates to public safety provisions involving the
22 health of children.

23 Code section 256B.8, relating to exceptions and special
24 provisions involving the requirements for school districts to
25 provide special education to children, is amended by striking
26 an exception. The stricken language states that the special
27 education Code chapter shall not be construed to require a
28 person who is a member of a well-recognized church or
29 religious denomination and whose religious convictions, in
30 accordance with the tenets or principles of the church or
31 denomination, are opposed to medical or surgical treatment for
32 disease to take or follow a course of physical therapy, or
33 submit to medical treatment. The stricken provision also
34 states that a parent or guardian who is a member of such
35 church or religious denomination and who has such religious

1 convictions shall not be required to enroll a child in any
2 course or instruction which utilizes medical or surgical
3 treatment for disease.

4 An exception to one of the grounds constituting the crime
5 of child endangerment in Code section 726.6 is stricken. The
6 stricken exception provides that a failure to provide specific
7 medical treatment is not for that reason alone to be
8 considered willful deprivation of health care constituting
9 child endangerment if the person can show the treatment would
10 conflict with the tenets and practice of a recognized
11 religious denomination of which the person is an adherent or
12 member.

13 The bill repeals Code section 255.10 in the Code chapter
14 relating to the provision of medical and surgical treatment by
15 the university of Iowa hospitals and clinics to persons who
16 are indigent. This program is often referred to as the "state
17 papers program". The repealed section allows the county board
18 of supervisors to refuse to issue an order directing that a
19 patient be taken for treatment if the patient or the patient's
20 parent or guardian is a member of a religious denomination
21 whose tenets preclude dependence on the practice of medicine
22 or surgery and desires in good faith to rely upon the practice
23 of their religion for relief from disease or disorder.

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